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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,788

07/10/2003

Tohru Aoki

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05/05/2004

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EXAMINER

LEE, JINHEE J

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/615,788

Applicant(s)

AOKI ET AL.

Examiner

Jinhee J Lee

Art Unit

2831

-- Th MAILING DATE of this communicati n appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0703</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 7/24/02.

Specification

2. The disclosure is objected to because of the following informalities:

Abstract line 10 according to the numbering on the left, "An spring member" is incorrect. Examiner suggests, "A spring member" instead to correct.

Appropriate correction is required.

Claim Objections

3. Claims 5 and 7 are objected to because of the following informalities:

Claim 5 line 4, the phrase "and/or" is not clear. Change to "or" to clarify.

Claim 7 line 2, the phrase "an spring member" has grammatical error. Examiner suggests "a spring member" instead to correct the grammatical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchiyama et al. (US006417451B1).

Re claim 1, Uchiyama et al. discloses a harness protector comprising: a wire harness (12 for example); a harness protector main body (10 for example) for accommodating the wire harness in a curved shape (see figure 1); and a friction member (15, 17b for example) for holding temporarily the wire harness in the protector main body.

Re claim 2, Uchiyama et al. discloses a harness protector, wherein the friction member abuts resiliently on the wire harness (see figure 1).

Re claim 3, Uchiyama et al. discloses a harness protector, wherein the friction member is formed separately from the protector main body (see figure 1).

Re claim 5, Uchiyama et al. discloses a harness protector, wherein the harness protector main body includes a base and a cover (1 and 10 for example).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al.

Re claim 4, Uchiyama et al. substantially discloses a harness protector as set forth in claim 1 above. Uchiyama et al. does not explicitly disclose wherein the friction member is formed integrally with the protector main body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the friction member integrally with the protection main body, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

9. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al. in view of Doshita et al. (JP02001359232A)

Re claim 6, Uchiyama et al. discloses a structure for supplying electric power using the harness protector as set forth in claim 1 above comprising: the harness protector ; and a fixed member (1 for example), wherein said harness protector is provided on the fixed member, the wire harness is wired from the harness protector to a different member and the fixed member, and the friction member temporarily prevents the wire harness from being removed from the harness protector while the different member is moving (see figure 1). Uchiyama et al. does not disclose that the different member is a sliding member. However, Doshita et al. discloses a sliding member (door

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1 for example) with a wire harness protector and a fixing member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a sliding member as taught by Doshita et al. with the device of Uchiyama et al. in order to open the door.

Re claim 7, note that Uchiyama et al. discloses a spring member for biasing the wire harness in a direction where the wire harness is accommodated, said spring member being provided in the harness protector, wherein the wire harness is pulled out to the maximum at a first moving end of the sliding member to compress the spring member to the maximum, and the friction member is so disposed as not to interfere with a restoring of the spring member while the sliding member moves from the first moving end to a second moving end.

Re claim 8, note that the teachings of Uchiyama et al. discloses a structure for supplying electric power using the harness protector as set forth in claim 6 above wherein the friction member temporarily holds the wire harness while the different member moves from the second moving end to the first moving end (see figure 1).

Re claim 9, note that the teaching of Doshita et al. includes a structure, wherein the sliding member is a sliding door, the fixed member is a vehicle body, and the harness protector is provided on the sliding door vertically (see figure 1).

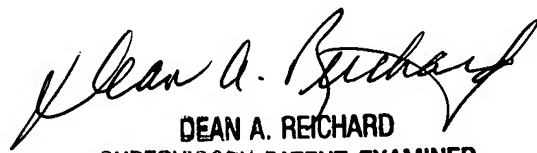
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 5/3/04
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